IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.10.2006

CORAM :

THE HONOURABLE MR.JUSTICE K.RAVIRAJA PANDIAN

WRIT PETITION NO.8959 of 1998

K.Selvaraj

..Petitioner

Vs

1.The Ponds (India) Limited, Leather
Products Division, rep.by its Manager
C-26, PIPDIC Industrial Estate,
Mettupalayam, Pondicherry-8.

2.The Presiding Officer, Labour Court
Pondicherry.

..Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records relating to the order of the second respondent in I.A.NO.21 of 1995 in I.D.No.55 of 1993 dated 19.1.1998, quash the same and direct the second respondent to hear the industrial dispute and dispose of the same on merits.

For Petitioner : Mr.P.V.S.Giridhar
For Respondent-1 : Mr.A.Arul for M/s.Pais, Lobo and Alvares

O R D E R

The order dated 19.1.1998 made in I.A.NO.21 of 1995 in I.D.No.55 of 1993 on the file of the second respondent non-suiting the petitioner to set aside the order of dismissal of I.D.No.55 of 1993 dated 6.1.1995 is put in issue in this writ petition.

2. The case of the petitioner is that he joined the services of the first respondent on 19.4.1984. On 1.7.1988, his services were regularised. However, by an order dated 14.5.1993, he was terminated from services on the basis of some charges and irregularities and a biased enquiry. The petitioner raised a dispute, which culminated in filing of I.D.No.55 of 1993 on the file of the second respondent. Ultimately, the said dispute came to be dismissed on 6.1.1995, as the claim statement was made belatedly.

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3. That order was sought to be set aside at the instance of the petitioner by filing I.A.NO.21 of 1995. However, the second respondent non-suited the petitioner on the premise that as per Rule 10(B) (1) of the Industrial Disputes Rules, for adjudication before the Labour Court, the party raising the dispute has to file his statement of claim complete with relevant documents and list of reliance and witnesses within fifteen days of the receipt of the order of reference.

(3)

Rule 10(B)(2) of the said Rules provides that on receipt of the claim statement, the date of hearing has to be fixed not beyond one month from the date of receipt of the order of reference and a written statement by the respondent should be filed with list of documents and witnesses within fifteen days from the date of first hearing. Rule 10(B)(3) of the said Rules provides for grant of further fifteen days time. As per Rule 10(B) (8) of the said Rules, the Court should not ordinarily grant an adjournment for a period exceeding a week at a time, but in any case, not more than three adjournments at the instance of the parties to the dispute.

4. From the above said statutory provisions, it would be clear that the intention the legislature is that the dispute should be settled at an early date within the period prescribed therein. Here, the Labour Court found that the attitude of the claimant is not bona fide, but is only to protract the proceedings for more than one and half years and on that basis, the second respondent - Labour Court came to the conclusion that there is no justification for setting aside the order in the industrial dispute. I do not find any illegality or irregularity in the absence of any explanation offered to the contra.

5. Learned counsel for the petitioner submits that the claim statement was filed, though belatedly.

6. In fact, the conclusion arrived at by the second respondent - Labour Court is correct that the petitioner is not having any just reason in the face of the statutory provisions referred to above. As already stated, I do not find any reason to interfere with the order of the second respondent - Labour Court.

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7. Hence, the writ petition is dismissed. No costs.

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

To

The Presiding Officer, Labour Court, Pondicherry.

+ 1 CC To Mr. PVS Giridhar Associates, Advocate SR NO.50686

RS

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